

BEAUMONT

— T E X A S —

REGULAR MEETING OF THE CITY COUNCIL COUNCIL CHAMBERS AUGUST 25, 2015 1:30 P.M.

CONSENT AGENDA

- * Approval of minutes – August 18, 2015
- * Confirmation of committee appointments

Jake Tortorice would be appointed to the Convention and Tourism Advisory Board. The term would commence August 25, 2015 and expire August 24, 2017. (Councilmember W. L. Pate, Jr.)

- A) Authorize the execution of a License to Encroach Agreement with Tiffany Hardy related to a structure located at 5260 Fairmont Drive
- B) Approve a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in West Chase Village, Section Twelve Subdivision
- C) Authorize the settlement of the lawsuit styled Jay Brocato and wife Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor vs. The City of Beaumont, Texas; Cause No. D-183,620
- D) Authorize the City Manager to execute all documents necessary to accept grant funds from the Texas Department of Transportation related to traffic safety (State and Community Highway Safety Grant Program)

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the following appointment be made:

<u>Appointment</u>	<u>Commission</u>	<u>Beginning of Term</u>	<u>Expiration of Term</u>
Jake Tortorice	Convention and Tourism Advisory Board	08/25/2015	08/24/2017

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of
August, 2015.

- Mayor Becky Ames -

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director *JM*

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider a resolution authorizing the execution of a License to Encroach Agreement with Tiffany Hardy.

BACKGROUND

There is one (1) existing structure located at 5260 Fairmont Drive encroaching onto a ten foot (10') access and drainage easement in Lot 39, Block 1 of Montclair Phase 2. The structure encroaches three feet (3').

The request from Tiffany Hardy, the owner of the structure, was submitted to all city departments and utility companies with no objections.

The License Agreement protects the City from liability and provides a thirty (30) day cancellation clause.

FUNDING SOURCE

There is a one time non-refundable fee of \$500 from Tiffany Hardy for the License to Encroach.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, Tiffany Hardy has requested that the City of Beaumont grant a License to Encroach into one ten foot (10') access and drainage easement at 5260 Fairmont Drive, which is described as being in Lot 39, Block 1 of Montclair Phase 2, to the City of Beaumont. The encroachment being one (1) existing structure overlapping three feet (3') in the ten foot (10') access and drainage easement as described in Exhibit "A" and shown in Exhibit "B," attached hereto and made a part hereof for all purposes; and,

WHEREAS, City staff has expended considerable time and effort in investigating the effect of such encroachment upon the City easement and utilities therein; and,

WHEREAS, it appears that it would be equitable to allow such encroachment at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Manager be and he is hereby authorized to execute a License to Encroach with Tiffany Hardy to encroach into one (1) ten foot (10') access and drainage easement at 5260 Fairmont Drive, which is described as being Lot 39, Block 1 of Montclair Phase 2, to the City of Beaumont. The encroachment being one (1) existing structure overlapping three (3') into the ten foot (10') access and drainage easement, as described in Exhibit "A" and shown in Exhibit "B," attached hereto and made a part

hereof for all purposes for a one-time fee of Five Hundred Dollars (\$500.00) for the License to Encroach.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

LICENSE TO ENCROACH

STATE OF TEXAS X

ALL MEN BY THESE PRESENTS:

COUNTY OF JEFFERSON X

On the date last indicated below, the City of Beaumont, a municipal corporation, of Beaumont, Jefferson County, Texas, herein called "Licensor" and Tiffany Hardy, owner, hereinafter called "Licensee", contracted and agreed as set forth herein.

Licensee desires a license from Licensor to use that real property (the subject of this license agreement) described as follows:

Said encroachment being one (1) structure overlapping a 10'(ten foot) access and drainage easement by 3'on Lot 39, Block 1 of Montclair Phase 2 (5260 Fairmont Drive). Said encroachment is shown on Exhibit "A", attached.

Subject property may continue to be occupied and used by Licensee solely in connection with the existing structures and for incidental purposes related thereto during the term of this license or until termination thereof. Said license shall terminate upon removal or demolition of said encroachment.

Substantial improvements shall not be made upon any encroachment without first obtaining the written consent of Licensor and giving notice to Licensor in writing of how, when and to what extent such improvements are to be made. A copy of this license shall be attached to such notice.

Substantial improvement means any repair, construction, or improvement of a structure, the cost of which equals or exceeds twenty-five percent (25%) of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any portion of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects or improvements of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to protect the health, safety and welfare of the public, inhabitants, or users of such structure.

In the event the City of Beaumont, by resolution of the City Council, determines it needs the subject property, or any part thereof, for the benefit of the City or to protect the health, safety or welfare of the public, and it terminates this license or any part thereof, Licensee shall not receive any compensation and the City of Beaumont shall not be liable therefore, whether for the value of property taken, damage to the abutting or remaining property or improvement, loss of business or profit, loss of access, or otherwise.

Licensee shall at all times indemnify and hold harmless Licensor and any franchised entity of licensor against, and pay in full, for all claims, losses, damages, law suits, attorney's fees, costs, judgments or expenses, that Licensor and any franchised entity of Licensor may sustain, incur, be required to pay or become liable for, resulting in any manner from the construction, maintenance, use, state of repair, or presence of such encroaching structure.

Licensor, and any franchised entity of Licensor, reserves the right to make improvements, perform maintenance and construction to the right-of-way or premises covered by this license where such is deemed necessary for the health, welfare and safety of the community. In doing so, Licensor and any franchised entity of Licensor shall not be liable to Licensee for any damage occasioned thereby and Licensee shall not be entitled to prosecute or maintain a claim against such parties for any such damage sustained by Licensee to said encroaching structure or any abutting or attached structures, improvements or land caused by the removal or alteration of any encroachment. In addition, Licensee shall reimburse Licensor and any franchised entity of Licensor any additional costs resulting from the encroachment.

Licensor will not be responsible for any damages to the structures if the sanitary sewer line or the storm sewer should ever develop a cavity or due to any repairs to the Licensor main by Licensor crews. The Licensor shall not be responsible for the repair and replacement of any paving or other structures within the Easement property.

Licensee shall not permit trees, shrubs, plants, or any object to be placed on the subject property in such a manner as to obstruct the view of traffic. In addition, Licensor will not be responsible for any damages to the structure if the sewer main should ever develop a cavity or due to any repairs to the Licensor main by Licensor crews.

As part of the consideration for this agreement, Licensee shall pay to Licensor the sum of Five Hundred Dollars (\$500.00). Said sum being non-refundable.

This license shall be recorded in the Real Property Records in the Office of the County Clerk of Jefferson County, Texas by Licensor.

This agreement is terminable by either party by giving written notice to the other specifying the date of termination. Said notice shall be given not less than thirty (30) days prior to the termination date, therein specified, and shall be recorded in the Real Property Records in the Office of the County Clerk of Jefferson County, Texas by Licensor.

This license is neither assignable nor transferable except in conjunction with, and as part of, Licensee's conveyance of all the abutting property this license serves, through probate or warranty deed or lease. In any such event, Licensor shall be notified of such occurrence by being delivered a copy of the document or documents conveying or leasing the same.

Any notice to Licensor shall be sufficient if it is mailed or hand delivered to the Office of the City Engineer, City of Beaumont, P.O. Box 3827, Beaumont, Texas 77704. Any notice to Licensee or their successors shall be sufficient if mailed or hand delivered to Property Owner at 5260 Fairmont Drive, Beaumont, Texas 77706.

IN WITNESS, WHEREOF, the parties hereto have executed this agreement as of
the _____ day of _____, 2015.

LICENSOR:
CITY OF BEAUMONT

LICENSEE:

By: _____
KYLE HAYES
CITY MANAGER

By: _____
TIFFANY HARDY

ACKNOWLEDGMENTS

STATE OF TEXAS X

COUNTY OF JEFFERSON X

This instrument was acknowledged before me on the _____ day of _____, 2015, by Kyle Hayes, City Manager of the City of Beaumont, a municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS X

COUNTY OF JEFFERSON X

This instrument was acknowledged before me on the _____ day of _____, 2015, by Tiffany Hardy.

Notary Public, State of Texas

RETURN TO:

City of Beaumont
Antoinette Hardy - Engineering
P. O. Box 3827
Beaumont, Texas 77704

RICH WITH OPPORTUNITY

BEAUMONT 

T • E • X • A • S

*Application for License to Encroach
City of Beaumont, Texas*

1. NAME OF APPLICANT: Jason Woods Premier Pools

ADDRESS: 5260 Fairmont PHONE: 409-540-0258

2. AUTHORITY OF APPLICANT: _____

3. NAME OF OWNER: Tiffany Hardy

ADDRESS: 5260 Fairmont PHONE: 409-781-5703

LEGAL DESCRIPTION OF OWNER'S PROPERTY (Lots, Blocks, Subdivision)

TO BE SERVED BY EASEMENT OR RIGHT-OF-WAY: _____

4. DESCRIPTION OF EASEMENT OR RIGHT-OF-WAY INVOLVED: Drainage

Easement on rear of property

5. PRESENT USE OF EASEMENT OR RIGHT-OF-WAY (List Utilities if Present):

Fire Place Drainage

6. USE OF EASEMENT OR RIGHT-OF-WAY DESIRED BY OWNER:

Fire Place

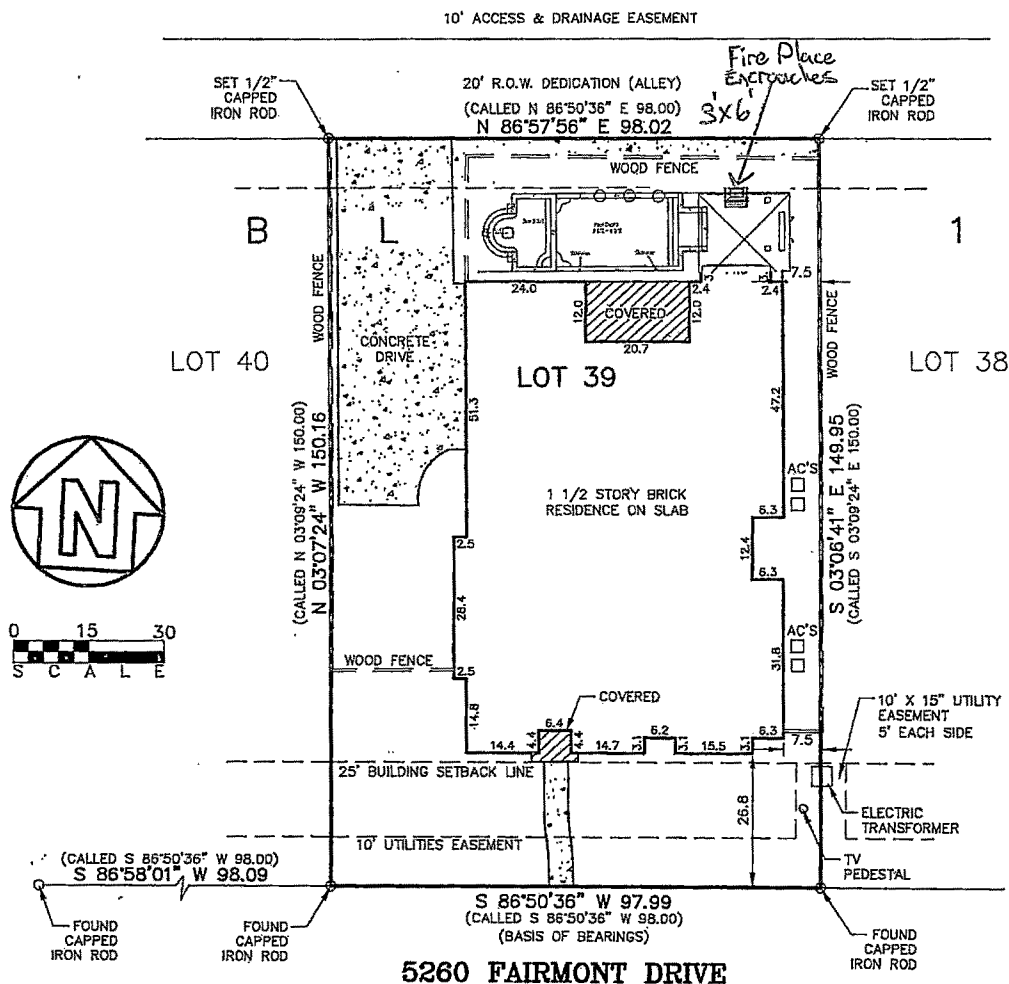
7. ATTACH A MAP OR PLAT DELINEATING THE EASEMENT OR PUBLIC RIGHT-OF-WAY (Dimensioned and to Engineering Scale). PLEASE INCLUDE ALL PERTINENT INFORMATION ON THE MAP:

- i. Distances from edge of pavement or back of curb
- ii. Street names and nearest cross streets
- iii. Side of the street [east, west, north, south]

8. COST TO BE PAID FOR LICENSE TO ENCROACH AT TIME APPLICATION IS SUBMITTED – \$500 SAID COST BEING NON-REFUNDABLE.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.


SIGNATURE



NOTE) IN ADDITION TO THE EXISTING UTILITIES EASEMENTS SHOWN ON THIS PLAT, THERE ALSO EXISTS ON AND ACROSS EACH LOT A 10' WIDE UNDERGROUND EASEMENT TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL SERVICE TO THE RESIDENCE SITUATED ON EACH LOT, LYING 5' ON EACH SIDE OF THE CENTERLINE OF THE ELECTRICAL LINE INSTALLED SERVING SUCH RESIDENCE BETWEEN THE 10' UTILITY EASEMENT SHOWN ON THIS PLAT ON THE FRONT OF EACH LOT AND EACH SUCH RESIDENCE. (NOTE 1 ON PLAT AND CLERKS FILE NO. 2001019288 AND 2005030056 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF JEFFERSON COUNTY, TEXAS.

PROPERTY DESCRIPTION:

5260 FAIRMONT DRIVE, BEAUMONT, TEXAS 77706

LOT 39 IN BLOCK 1 OF MONTCLAIRE PHASE TWO, VOL. 17, PG. 386, M.R.J.C.

TO THE LEINOLDERS AND THE OWNERS OF THE PREMISES SURVEYED

AND TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

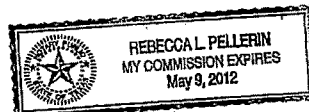
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY & REPORT WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVER-LAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 5TH DAY OF JANUARY 2010.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC,

IN AND FOR THE STATE OF TEXAS THIS 5th DAY OF January, 2010.

Rebecca L. Pellerin
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS



IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAP, FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY

PANEL NO. 485457 0035 C DATED 8-6-02. THIS PROPERTY LIES IN THE ZONE NOTED.

LOCATION ON MAP DETERMINED BY SCALE. ACTUAL FIELD ELEVATION NOT DETERMINED UNLESS REQUESTED.

FITTZ & SHIPMAN, INC. DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAP.

T.B.P.E. FIRM #1160 • T.X.L.S. FIRM #100186

FLOOD ZONE X CENSUS TRACT 3.01

REVISION	DATE

Walter J. Ksiazek
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5321

DATE: 1-5-10

FIELD BOOK NO.: 09-11

JOB NO.: 10006.0001

Fittz & Shipman
INC.

Consulting Engineers and Land Surveyors

1405 CORNERSTONE COURT BEAUMONT, TEXAS
(409)832-7238 FAX (409)832-7303

JMW

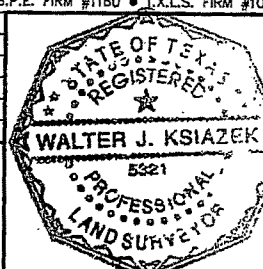


EXHIBIT "B"

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Dr. Joseph Majdalani, P.E., Public Works Director *JM*

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider a resolution accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in West Chase Village, Section Twelve Subdivision.

BACKGROUND

On July 31, 2015, a final inspection from all entities was completed and the administration recommends approval of the following:

- Devonshire Drive approximately 260 feet addition east of existing Devonshire Drive to the 3-OM4-3 Dead End Roadway Markers.
- Rigby approximately 372 feet north of Devonshire Drive addition to and including the Cul de Sac.

Recommended for approval are the storm sewer, water and sanitary sewer improvements for West Chase Village, Section Twelve Subdivision right-of-way only.

FUNDING SOURCE

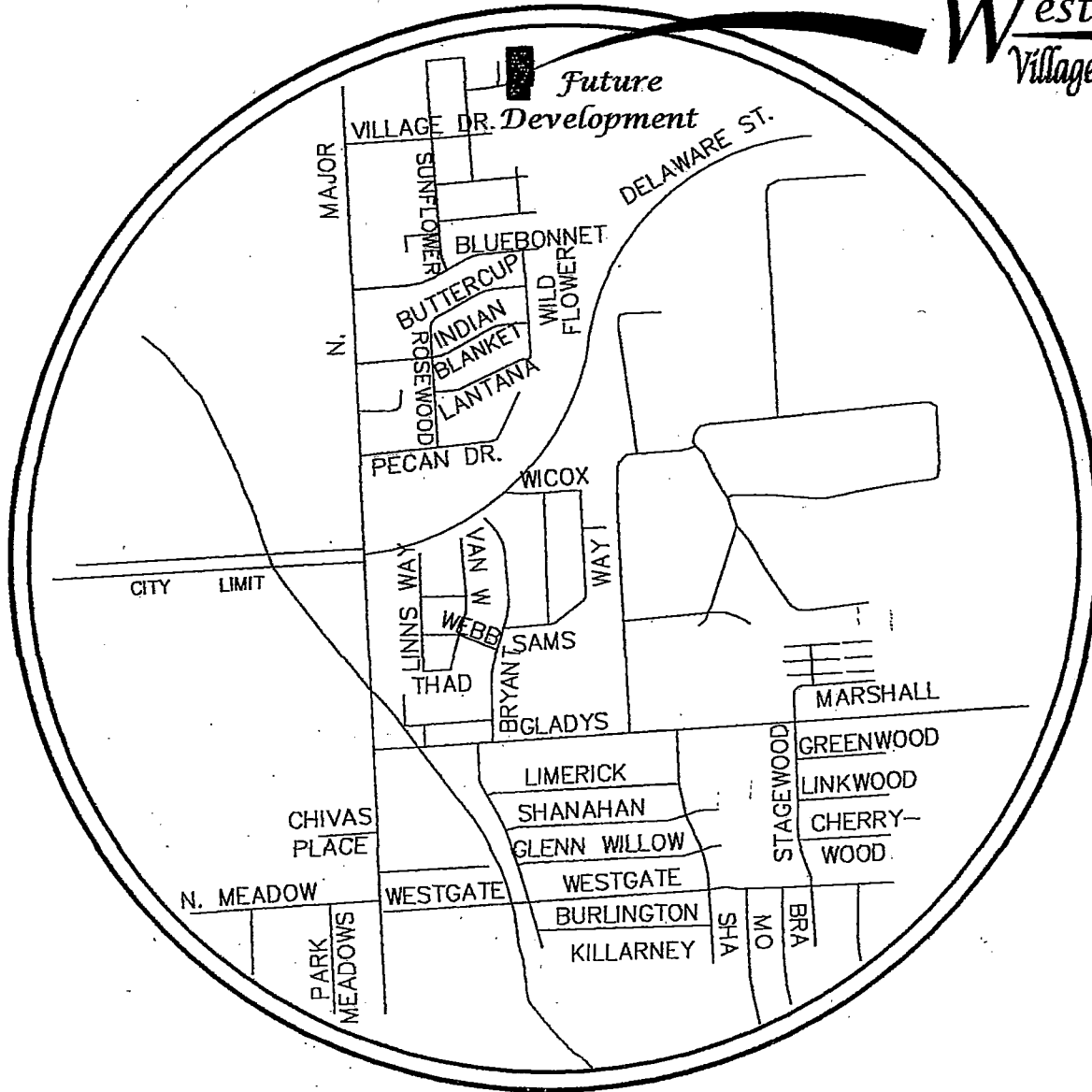
Not applicable.

RECOMMENDATION

Approval of resolution.

West Chase

Village, Sec. Twelve



WEST CHASE VILLAGE, SECTION TWELVE

RESOLUTION NO.

WHEREAS, construction of the streets, storm sewer, water and sanitary sewer improvements constructed in West Chase Village, Section Twelve subdivision have been completed as follows:

Streets

- Devonshire Drive approximately 260 feet addition east of existing Devonshire Drive to the 3-OM4-3 Dead End Roadway markers.
- Rigby approximately 372 feet north of Devonshire Drive addition to and including the cul de sac.

Storm Sewer, Water and Sanitary Sewer Improvements

- West Chase Village, Section Twelve subdivision, right-of-way only.

; and,

WHEREAS, the developers of said street desire to have these improvements accepted and maintained by the City; and,

WHEREAS, the director of the Public Works and Engineering Department has determined that said improvements meet city standards and qualify for acceptance for permanent maintenance, and the City Council is of the opinion that said improvements should be accepted and maintained by the City of Beaumont;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

1

THAT the above-referenced street, storm sewer, water and sanitary sewer improvements in West Chase Village, Section Twelve subdivision, with the exception of streetlights, are hereby accepted by the City of Beaumont and shall be continuously maintained by the City contingent upon filing of the final plat, complete with filings of dedication of all rights-of-way and easements required on the preliminary and final plats and installation of the streetlights.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Tyrone E. Cooper, City Attorney

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider a resolution authorizing the settlement of the lawsuit styled Jay Brocato and wife Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor vs. The City of Beaumont, Texas; Cause No. D-183,620.

BACKGROUND

The lawsuit styled Jay Brocato and wife Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor vs. The City of Beaumont, Texas; Cause No. D-183,620, was presented and discussed in Executive Session held on December 2, 2014. The City Attorney is requesting authority to settle this suit in the amount of \$30,440.54.

FUNDING SOURCE

General Liability Fund.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, the lawsuit styled Jay Brocato and wife Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor vs. The City of Beaumont, Texas, Cause No. D-183,620, was discussed in Executive Session properly called and held Tuesday, December 2, 2014; and,

WHEREAS, the City Attorney is requesting authority to settle this lawsuit;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the City Attorney be, and he is hereby, authorized to settle the lawsuit styled Brocato and wife Valerie Brocato, Individually and As Next Friends of Macy Brocato, A Minor vs. The City of Beaumont, Texas, Cause No. D-183,620 for the sum of Thirty Thousand Four Hundred Forty and 54/100 Dollars (\$30,440.54); and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute all documents related to settlement of the lawsuit.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

BEAUMONT

— T E X A S —

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: James P. Singletary, Chief of Police

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council authorizing the City Manager to execute all documents necessary to accept the project titled "Step Single Year 2016 Wave Comprehensive".

BACKGROUND

This grant application will provide funding for a "Step Single" grant program which occurs between October 1, 2015 and September 30, 2016 and would assist in enhancing the safety of the motoring public and reducing motor vehicle crashes, which often result in loss of life or personal injury. The grant would be in an amount not to exceed \$82,953.75 from the Texas Department of Transportation with a City "match" funding of \$43,122.25 as our portion of the costs for the project titles "Step Single Year 2016 Wave Comprehensive" which are Thanksgiving 2015 holiday, Valentine's Day 2016 holiday, Memorial Day 2016 holiday and Labor Day 2016 holiday.

FUNDING SOURCE

City would receive grant funding in an amount not to exceed \$82,953.75 with a city contribution of \$43,122.25.

RECOMMENDATION

Approval of resolution.

Texas Traffic Safety eGrants

Fiscal Year 2016

Organization Name: City of Beaumont - Police Department

Legal Name: City of Beaumont

Payee Identification Number: 17460002789023

Project Title: STEP- 2016 Comprehensive

ID: 2016-Beaumont-S-1YG-0006

Period: 10/01/2015 to 09/30/2016

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **City of Beaumont** hereinafter called the Subgrantee, and becomes effective then fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n) **Local Government**.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2016.

Name of the Federal Agency: **National Highway Traffic Safety Administration**

CFDA Number: **20.600**

CFDA Title: **State and Community Highway Safety Grant Program**

Funding Source: Section **402**

DUNS: **073901118**

Project Title: **STEP- 2016 Comprehensive**

This project is **Not Research and Development**

Grant Period: This Grant becomes effective on **10/01/2015** or on the date of final signature of both parties, whichever is later, and ends on **09/30/2016** unless terminated or otherwise modified.

Total Awarded: **\$126,076.00**

Amount Eligible for Reimbursement by the Department: **\$82,953.75**

Match Amount provided by the Subgrantee: **\$43,122.25**

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization.

THE SUBGRANTEE

THE STATE OF TEXAS

City of Beaumont

[Legal Name of Agency]

Executed for the Executive Director and
Approved for the Texas Transportation
Commission for the purpose and effect of
activating and/or carrying out orders,
established policies or work programs
approved and authorized by the Texas
Transportation Commission

By:

By:

[Authorized Signature]

[District Engineer Texas Department of
Transportation]

[Name]

[Name]

[Title]

[Title]

Date: _____

Date: _____

Under the authority of Ordinance or
Resolution Number (for local government):
(If Applicable)

By:

Director, Traffic Operations Division Texas
Department of Transportation (Not required for
local project grants under \$100,000.00)

[Resolution Number]

Date: _____

RESOLUTION NO.

WHEREAS, the City of Beaumont has been notified by the Texas Department of Transportation that it is eligible to receive funding to assist in highway safety enforcement; and,

WHEREAS, the City of Beaumont recognizes that the safety and security of the motoring public is of paramount importance to the City; and,

WHEREAS, the City of Beaumont strives to enhance the safety of the motoring public; and,

WHEREAS, grant funding through the Texas Department of Transportation would assist in enhancing the safety of the motoring public and reducing motor vehicle crashes which often result in loss of life or personal injury; and,

WHEREAS, traffic safety enforcement and encouragement of safe driving habits are a significant goal of the Beaumont Police Department; and,

WHEREAS, the City of Beaumont has been notified by the Texas Department of Transportation that it is eligible to participate in a Texas Traffic Safety Program and receive federal reimbursement grant funding in an amount not to exceed Eighty-Two Thousand Nine Hundred Fifty-Three and 75/100 Dollars (\$82,953.75) pursuant to the project titled "STEP-2016 Comprehensive" for occupant protection enforcement, reduction of alcohol and drug related driving incidents, speeding enforcement, and speeding related crashes; and,

WHEREAS, the City of Beaumont has agreed to contribute Forty-Three Thousand One Hundred Twenty-Two and 25/100 Dollars (\$43,122.25) as its portion of

the costs for the project titled "STEP-2016 Comprehensive" which is for the period of October 1, 2015 to September 30, 2016;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted, and,

THAT the City Manager of the City of Beaumont be, and he is hereby, authorized to execute all documents necessary to apply for and receive funding for the project "STEP- 2016 Comprehensive" and take such action as necessary to implement the project which occurs between October 1, 2015 and September 30, 2016; and,

BE IT FURTHER RESOLVED THAT the City Manager is authorized to accept and disburse the federal reimbursement grant funding in an amount not to exceed Eight-Two Thousand Nine Hundred Fifty-Three and 75/100 Dollars (\$82,953.75) and take such other actions and execute such documents as may be necessary and appropriate to implement the purpose and objectives of the "STEP-2016 Comprehensive" project recognizing the City's contribution match of Forty-Three Thousand One Hundred Twenty-Two and 25/100 (\$43,122.25).

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

BEAUMONT

— T E X A S —

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS AUGUST 25, 2015 1:30 P.M.**

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 4-6/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider a request to rezone a piece of property to be used as a driveway from GC-MD (General Commercial-Multiple Family Dwelling) to RM-H (Residential Multiple Family Dwelling-Highest Density) located at 7110 Highway 105
2. Consider a request to rezone property from RS (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive zoning district at 1030 West Cardinal Drive
3. Consider a request for a Specific Use Permit for a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue
4. Consider a resolution approving the award of a contract to LD Construction, Inc., of Beaumont for asphaltic concrete pavement work
5. Consider an ordinance granting a new solid waste franchise agreement with Piney Woods Sanitation Inc.
6. Consider amending Section 2.02.241 of the Code of Ordinances related to the Animal Health Advisory Committee

WORK SESSION

- * Review and discuss the proposed FY 2016 Budget and the proposed 2016 Capital Program

PUBLIC HEARING

- * Receive comments on the proposed FY 2016 Budget and the proposed 2016 Capital Program

COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

August 25, 2015

Consider a request to rezone a piece of property to be used as a driveway from GC-MD (General Commercial-Multiple Family Dwelling) to RM-H (Residential Multiple Family Dwelling-Highest Density) located at 7110 Highway 105

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: *AW for CTB*
Chris Boone, Planning & Community Development Director

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council to consider a request to rezone a piece of property to be used as a driveway from GC-MD (General Commercial-Multiple Family Dwelling) to RM-H (Residential Multiple Family Dwelling-Highest Density) located at 7110 Highway 105.

BACKGROUND

Dylan Blackshear submitted a minor plat to divide the property located at 7110 Highway 105 into four (4) pieces. The property will consist of three (3) lots along the highway as well as one large lot in the rear. Although the rear lot is zoned RM-H (Residential Multiple Family Dwelling-Highest Density), the driveway, or "flag", of the rear lot is currently zoned GC-MD (General Commercial Multiple Family Dwelling). City of Beaumont subdivision regulations state:

"All lots shall abut a public or private street and shall abut the street no less than the required lot width for that lot..."

Minimum lot width in GC-MD Districts is 75 feet, which would force the "flag pole" (or portion that extends to the roadway) to be 75 feet wide. Mr. Blackshear is asking to rezone the driveway, or "flag pole", from GC-MD to RM-H, matching the rear lot. Minimum lot width for RM-H is 50 feet. A 50 foot wide driveway should meet all requirements for traffic accessing the rear lot with the same zoning district.

At a Joint Public Hearing held August 17, 2015, the Planning Commission recommended 7:0 to approve a request to consider to rezone a piece of property to be used as a driveway from GC-MD (General Commercial-Multiple Family Dwelling) to RM-H (Residential Multiple Family Dwelling-Highest Density) located at 7110 Highway 105.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of ordinance.

**APPLICATION FOR AMENDMENT
OF THE ZONING ORDINANCE
BEAUMONT, TEXAS
(Chapter 28, City Codes)**

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: Dylan Blackshear; 5339 Alpha Road, Suite 300, Dallas, TX 75240

APPLICANT'S PHONE #: (972) 701-9636 FAX #: (972) 701-9639

NAME OF OWNER: Walters Real Estate Holdings, LLC

ADDRESS OF OWNER: 5090 Eastex Freeway, Beaumont, TX 77708

LOCATION OF PROPERTY: Northeast corner of State Highway 105 & RFD Road

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT 32

BLOCK NO. _____ PLAT RS-4

ADDITION _____ SURVEY Wesley Dikes; Abstract No. 17

NUMBER OF ACRES _____ NUMBER OF ACRES 12.117

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: GC-MD, General Commercial Multiple-Family Dwelling District

ZONING DISTRICT REQUESTED: RM-H, Residential Multiple-Family Dwelling - Highest Density District

HAS THE REQUEST BEEN MADE BEFORE? No IF SO, DATE: N/A

ACTION: Rezone 50-foot flag created to provide access to rear lot, illustrated on proposed plat (app. 0.37 ac. rezoned).

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....\$450.00
5 ACRES OR MORE.....\$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT:  DATE: 07/23/2015

SIGNATURE OF OWNER: 

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER: 2236-2
DATE RECEIVED: _____
RECEIPT NUMBER: _____

HPcivil engineering

5339 Alpha Road, Suite 300

Dallas, TX 75240-4317

T: 972.701.9636

F: 972.701.9639

July 24, 2015

Project 15-154

Adina Ward
Planner II/Floodplain Administrator
City of Beaumont
801 Main Street
Beaumont, TX 77701-3548

Subject: Zoning – Proposed Clayburn Park Subdivision – Letter of Intent
Northeast Corner of State Highway 105 & RFD Road
City of Beaumont, Jefferson County, Texas

Ms. Ward,

Please accept this Letter of Intent (LOI), on behalf of Walters Real Estate Holdings, LLC and Three Willows Land Development, LLC, for the zoning submittal for ± 0.3729 acres of the ± 12.1168 -acre tract (Tract 32, Wesley Dikes Survey, Abstract Number 17) located at the northeast corner of State Highway 105 (SH105) and RFD Road. The proposed name of the tract will be the Clayburn Park Subdivision and it will be subdivided into four lots, as illustrated on the proposed Minor Plat enclosed.

Lot 4 will be a flag lot to provide access to SH105 as required by city staff. The 'flag' portion of the lot is currently zoned GC-MD (General Commercial Multiple-Family Dwelling District). This application is to re-zone the ± 0.3729 -acre flag RM-H (Residential Multiple-Family Dwelling – Highest Density District), which corresponds with the remainder of the lot.

Please feel free to contact us if you have any questions or require additional information.

Many thanks,



Dylan T. Blackshear, PE
Project Manager
HPcivil engineering, LLC

Enclosures

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT TO RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING-HIGHEST DENSITY) DISTRICT FOR PROPERTY LOCATED AT 7110 HIGHWAY 105, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned GC-MD (General Commercial-Multiple Family Dwelling) District to RM-H (Residential Multiple Family-Highest Density) District for property located at 7110 Highway 105, as described in Exhibit "A" and shown on Exhibit "B," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

Beginning at a 5/8 inch iron rod with cap stamped "MW Whiteley and Assoc." found marking the southeast corner of a called 0.7463 acre tract of land conveyed to Balboa Company as recorded in County Clerk's File No. 2011035082, said point also being the southernmost southwest corner of a tract or parcel containing 12.1170 acres or 527,817 square feet of land, situated in the Wesley Dikes Survey, Abstract No. 17, Jefferson County, Texas, being all of a called 12.1168-acre tract of land conveyed to Walters Real Estate Holdings, LLC, as recorded in County Clerk's File No. 2013019347, and on the north right-of-way line of Highway 105 (varying width R.O.W.), said point also being the Point of Commencement;
Thence, North 86°13'46" East, along said south boundary line of said 12.1168-acre tract, last said line also being the north right-of-way line of Highway 105, a distance of 293.68 feet to the Point of Beginning;
Thence North 03°46'14" West a distance of 324.88 feet;
Thence North 86°15'19" East a distance of 50.00 feet;
Thence South 03°46'14" East a distance of 324.86 feet to a point on said south boundary line of said 12.1168-acre tract, last said line also being the north right-of-way line of Highway 105;
Thence, South 86°13'46" West along the south boundary line of said 12.1168-acre tract, last said line also being the north right-of-way line of Highway 105, a distance of 50.00 feet to the Point of Beginning and containing an area of 0.3729 acres or 16,244 square feet of land, more or less.

File 2236-Z: A request to rezone a piece of property to be used as a driveway from GC-MD (General Commercial- Multiple Family Dwelling) to RM-H (Residential Multiple Family Dwelling-Highest Density).

Location: Northeast corner of State Highway 105 and RFD Road.

Applicant: Dylan Blackshear

0 100 200 300 400 Feet

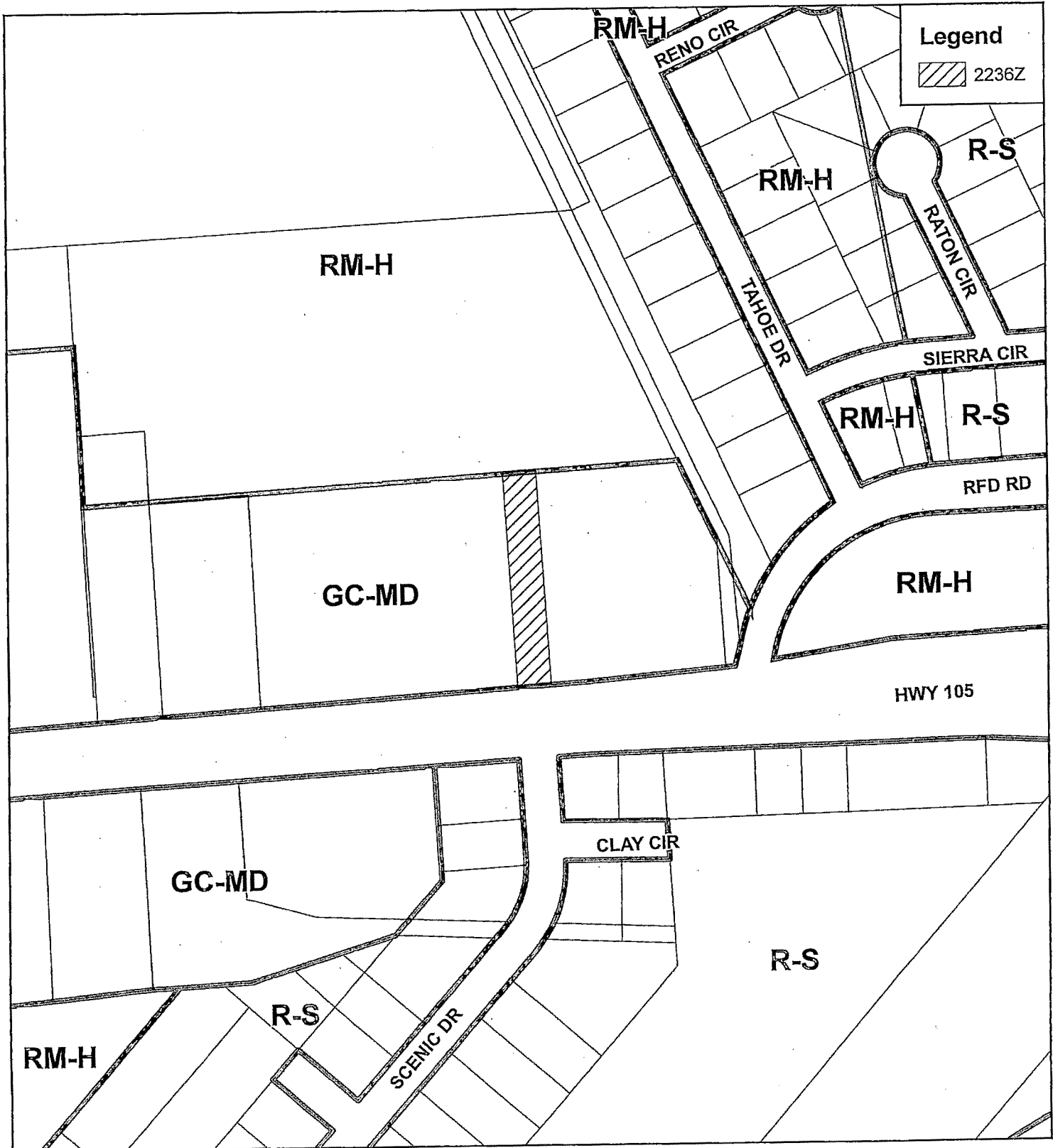


EXHIBIT "B"

August 25, 2015

Consider a request to rezone property from RS (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive zoning district at 1030 West Cardinal Drive

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: ^{CSB} Chris Boone, Planning & Community Development Director

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council to consider a request to rezone property from RS (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive zoning district at 1030 West Cardinal Drive.

BACKGROUND

Patrick Gibbs requested a rezoning from RS (Residential Single Family Dwelling) to GC-MD (General Commercial- Multiple Family Dwelling) district for his property located along Cardinal Drive.

One of the primary concerns for this request is spot zoning. The reasons being:

1. The request is not in compliance with the comprehensive plan. The subject property is designated as a stable area indicating the zoning is adequate.
2. The request is not consistent with the zoning or land use of the surrounding area, existing uses surrounding the property are either residential or institutional. Thirteen developed/occupied residential lots abut the property.
3. Rezoning would not serve a public purpose furthering public health, safety, morals or general welfare.

While most properties along Cardinal Drive are commercial, this particular area is largely zoned and developed as single-family. As such, should this rezoning be approved, it would be surrounded on the north, east and south by property zoned as R-S. One possible alternative would be to join with the adjacent church and apply for RM-H (Residential Multiple Family Dwelling - Highest Density) zoning. This would allow for residential uses and possibly allow for more limited commercial uses that would be more compatible with the surrounding land uses.

At a Joint Public Hearing held August 17, 2015, the Planning Commission recommended 5:2 to deny a request to consider a request to rezone property from RS (Residential Single Family

Dwelling to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive zoning district located along Cardinal Drive.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Denial of ordinance.

**APPLICATION FOR AMENDMENT
OF THE ZONING ORDINANCE
BEAUMONT, TEXAS
(Chapter 28, City Codes)**

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME AND ADDRESS: PATRICK Gibbs

APPLICANT'S PHONE #: 409-466-1879 FAX #: 888-814-6545

NAME OF OWNER: PATRICK H. Gibbs

ADDRESS OF OWNER: 4835 Corley St. Bmt, TX 77707

LOCATION OF PROPERTY: 1030 W. CARDINAL DR. Bmt, TX 77705

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. _____ OR TRACT _____

BLOCK NO. _____ PLAT _____

ADDITION _____ SURVEY _____

NUMBER OF ACRES _____ NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

CURRENT ZONING DISTRICT: RESIDENTIAL

ZONING DISTRICT REQUESTED: GC-MD

HAS THE REQUEST BEEN MADE BEFORE? No IF SO, DATE: _____

ACTION: _____

SUBMIT A LETTER STATING REASONS FOR REQUEST.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/2 ACRE.....	\$250.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES.....	\$450.00
5 ACRES OR MORE.....	\$650.00

I HEREBY ACKNOWLEDGE THAT THE APPLICATION IS MADE FOR THE REQUESTED DISTRICT OR A MORE RESTRICTIVE DISTRICT.

SIGNATURE OF APPLICANT: Patrick H. Gibbs DATE: 7-24-15

SIGNATURE OF OWNER
(IF NOT APPLICANT): _____

PLEASE TYPE OR PRINT AND SUBMIT TO:

PLANNING DIVISION, ROOM 201
CITY HALL, 801 MAIN STREET
BEAUMONT, TX 77701
P.O. BOX 3827 77704
(409) 880-3764
FAX (409) 880-3133

FILE NUMBER: 2237-2
DATE RECEIVED: _____
RECEIPT NUMBER: _____

7-24-15

To Whom It May Concern,

I am requesting the zone
change for this property because
the current conditions make
the Residential zoning obsolete.

Sincerely

Patrick H. Miller

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT 1030 WEST CARDINAL DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

That Chapter 28 of the Code of Ordinances of Beaumont, Texas, and in particular the boundaries of the zoning districts, as indicated upon the Zoning Map of the City of Beaumont, referred to in Section 28.01.005(b) thereof, is hereby amended by changing the zoning of property presently zoned RS (Residential Single Family Dwelling) District to GC-MD (General Commercial-Multiple Family Dwelling) District for property located at 1030 West Cardinal Drive, being Plat B-21, Lots 3-A & 3-F, Block 3, J.A. Veach Survey, Abstract 55, Beaumont, Jefferson County, Texas, containing 3.48 acres, more or less, as shown on Exhibit "A," attached hereto, and the official zoning map of the City of Beaumont is hereby amended to reflect such changes.

Section 2.

That, in all other respects, the use of the property herein above described shall be subject to all of the applicable regulations of the underlying zoning district as well as

those regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended.

Section 3.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 4.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 5.

That any person who violates any provision of this ordinance shall, upon conviction, be punished, as provided in Section 1.01.009 of the Code of Ordinances of Beaumont, Texas.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

File 2237-Z: A request to rezone a piece of property from RS (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive zoning district.

Location: 1030 West Cardinal Drive

Applicant: Patrick Gibbs

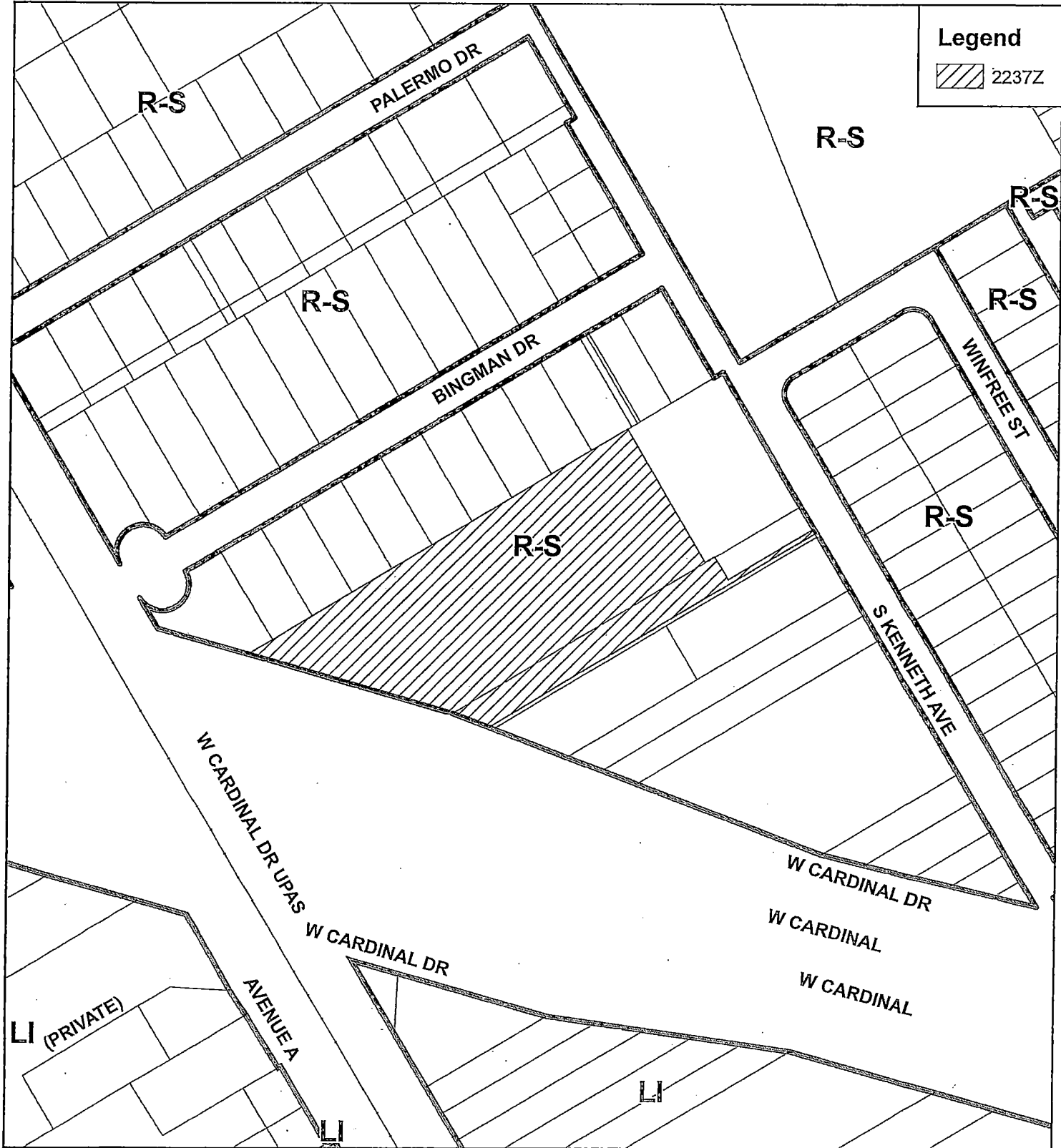
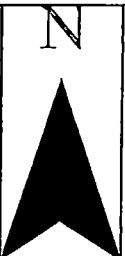
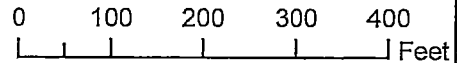


EXHIBIT "A"

August 25, 2015

Consider a request for a Specific Use Permit for a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council to consider a request for a Specific Use Permit for a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue.

BACKGROUND

Audwin Samuel would like to operate a law office located at 2636 McFaddin Avenue. The 1816 sq. ft. structure will have three (3) people working in the office on a daily basis and normally, no more than two (2) scheduled clients visiting at the same time. Office hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday. Nine (9) parking spaces will be provided for employees and clients on the .01722 acre lot. Several other commercial uses exist in this block.

At a Joint Public Hearing held August 17, 2015, the Planning Commission recommended 7:0 to approve a request to allow a Specific Use Permit for a law office in an RCR-H (Residential Conservation Revitalization-Historic) District, subject to the following condition:

1. One ADA compliant parking space must be provided on the subject property.

FUNDING SOURCE

Not applicable.

RECOMMENDATIONS

Approval of ordinance, subject to the following condition:

1. One ADA compliant parking space must be provided on the subject property.

SPECIFIC USE PERMIT APPLICATION
BEAUMONT, TEXAS
(Chapter 28, City Codes)

TO: THE PLANNING COMMISSION AND CITY COUNCIL, CITY OF BEAUMONT, TEXAS

APPLICANT'S NAME: Audwin SamuelAPPLICANT'S ADDRESS: P.O. Box 3787, BEAUMONT, TEXAS 77704APPLICANT'S PHONE #: 409.833.4111 FAX #: 409.838.2220NAME OF OWNER: THREE TIMBERS INVESTMENTS L.L.C.ADDRESS OF OWNER: 5900 LEXINGTON CIRCLE, LUMBERTON, TX 77657LOCATION OF PROPERTY: 2636 McFADDIN St BEAUMONT, TX 7770

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 26 OR TRACT _____BLOCK NO. 52 PLAT _____ADDITION AVERIL SURVEY _____NUMBER OF ACRES .1722 NUMBER OF ACRES _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed for a specific use permit, and a complete legal field note description.

PROPOSED USE: OFFICE ZONE: _____

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the top back side of this sheet.

ATTACH A REDUCED 8 1/2" X 11" PHOTOCOPY OF THE SITE PLAN.

THE EIGHT CONDITIONS listed on the back side of this sheet must be met before City Council can grant a specific use permit. PLEASE ADDRESS EACH CONDITION IN DETAIL.

ATTACH THE APPROPRIATE APPLICATION FEE:

LESS THAN 1/4 ACRE	\$250.00
1/4 ACRE OR MORE AND LESS THAN 5 ACRES	\$450.00
5 ACRES OR MORE	\$650.00

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council.

SIGNATURE OF APPLICANT: Audwin Samuel DATE: July 23, 2015SIGNATURE OF OWNER: Paul Williams (IF NOT APPLICANT) DATE: July 27, 2015

PLEASE TYPE OR PRINT AND SUBMIT TO:

CITY OF BEAUMONT
PLANNING DIVISION
801 MAIN STREET, ROOM 201
BEAUMONT, TX 77701

FILE NUMBER: 2238 R

DATE RECEIVED: _____

Phone - (409) 880-3764
Fax - (409) 880-3133

PLEASE MAKE NOTE ON REVERSE SIDE OF CONDITIONS TO BE MET REGARDING THE SITE PLAN AND LETTER OF PROPOSED USES AND ACTIVITIES.

SAMUEL & SON LAW FIRM, P.L.L.C. ATTORNEYS AT LAW

AUDWIN M. SAMUEL
ATTYSAMUEL@LIVE.COM

SEAN VILLERY- SAMUEL
SCSAMUEL@YAHOO.COM

July 23, 2015

City of Beaumont, Planning Division
801 Main Street, Room 201
Beaumont, Texas 77701

RE: Specific Use Application

To Whom It May Concern:

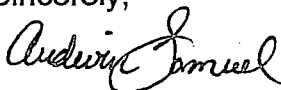
This is an application for a specific use permit to locate a law office at 2636 McFadden.

The office is to house a small general practice Law Firm, with two lawyers, licensed to practice in the State of Texas. The office hours will be from 8:00am – 5:00pm, Monday through Friday. There will be three people working in the office on a daily basis. Normally there will be no more than two scheduled clients visiting the office for consultations at the same time.

The application request meets the following required conditions:

- The specific use will be compatible with and not injurious to the use and enjoyment of other property and will not diminish or impair property values in the immediate vicinity;
- The specific use will not impede the normal and orderly development of surrounding vacant property;
- There are adequate utilities, access roads, drainage and other necessary supporting, facilities have been provided;
- The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
- There are adequate nuisance prevention measures preventing offensive odors, fumes, dust, noise and vibrations;
- There will be no directional lighting that would disturb or adversely affect neighboring properties;
- There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property;
- The proposed use is in accordance with the Comprehensive Plan.

Sincerely,


Audwin M. Samuel

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A LAW OFFICE IN AN RCR-H (RESIDENTIAL CONSERVATION REVITALIZATION-HISTORIC) DISTRICT AT 2636 MCFADDIN AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Audwin Samuel has applied for a specific use permit to allow a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue, being Lot 26, Block 52, Averill Addition, Beaumont, Jefferson County, Texas, containing 0.1722 acres, more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to allow a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue, subject to the following condition:

- One ADA compliant parking space must be provided on the subject property;

and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use permit to allow a law office in an RCR-H (Residential Conservation Revitalization-Historic) District at 2636 McFaddin Avenue, being Lot 26, Block 52, Averill Addition, Beaumont, Jefferson County, Texas, containing 0.1722 acres, more or less, as shown on Exhibit "A," is hereby granted to Audwin Samuel, his legal representatives, successors and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes, subject to the following condition:

- One ADA compliant parking space must be provided on the subject property.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B" and made a part hereof for all purposes.

Section 3.

Notwithstanding the site plan attached hereto, the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

File 2238-P: A request to allow a Specific Use Permit for a law office in an RCR-H
(Residential Conservation Revitalization-Historic) District.

Location: 2636 McFaddin Avenue

Applicant: Audwin Samuel

0 100 200
Feet

N

Legend


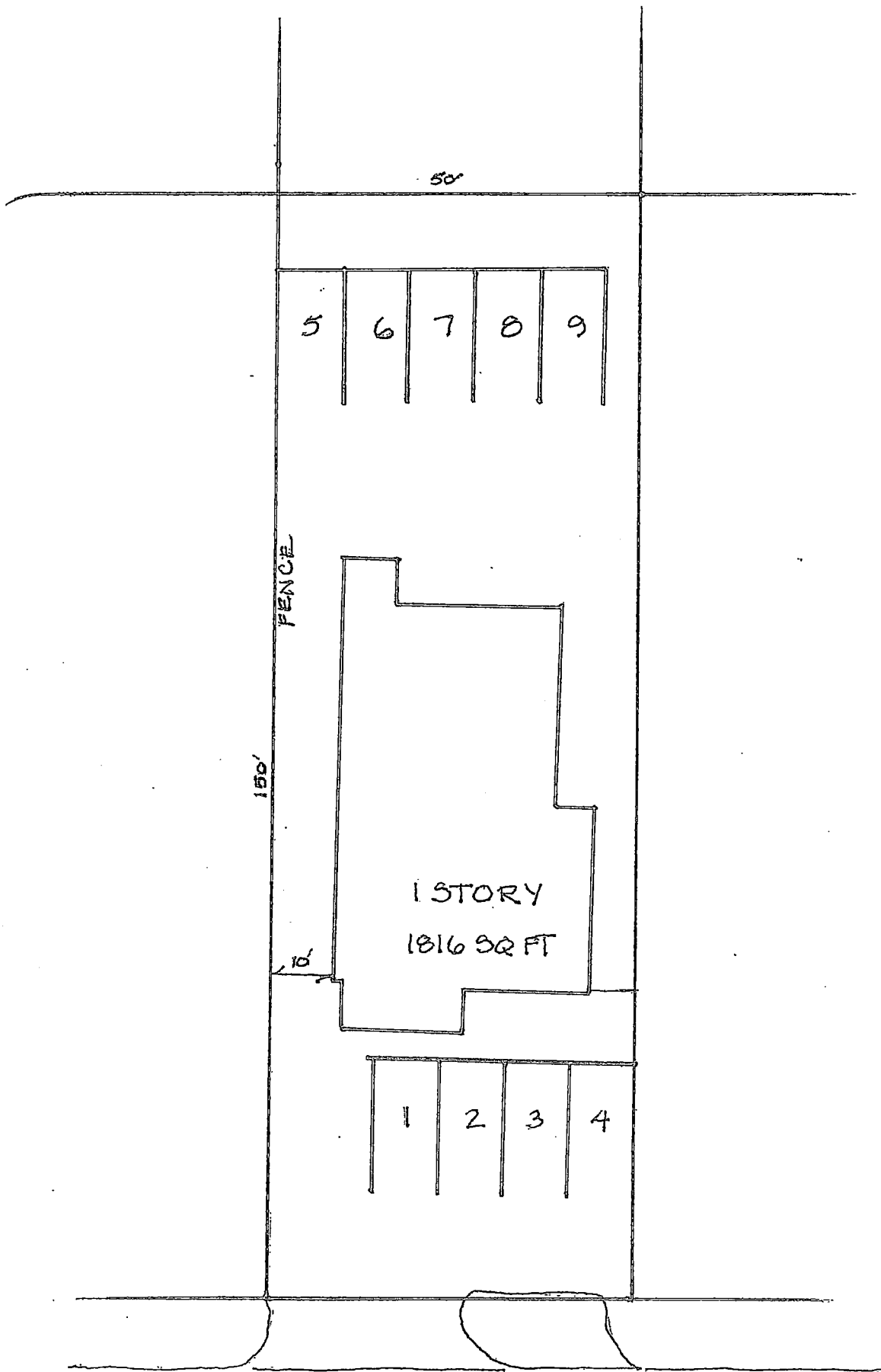
 2238P



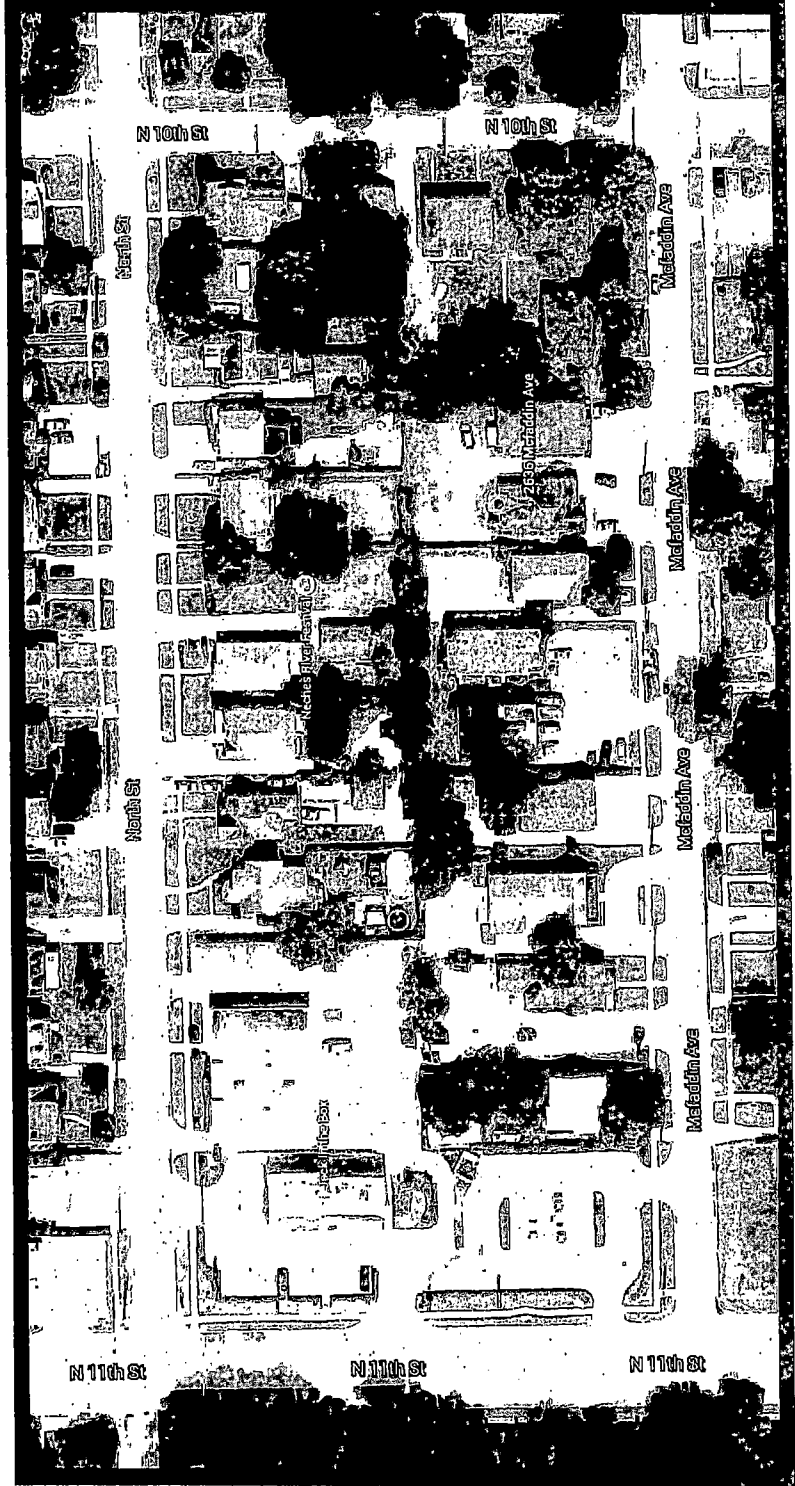
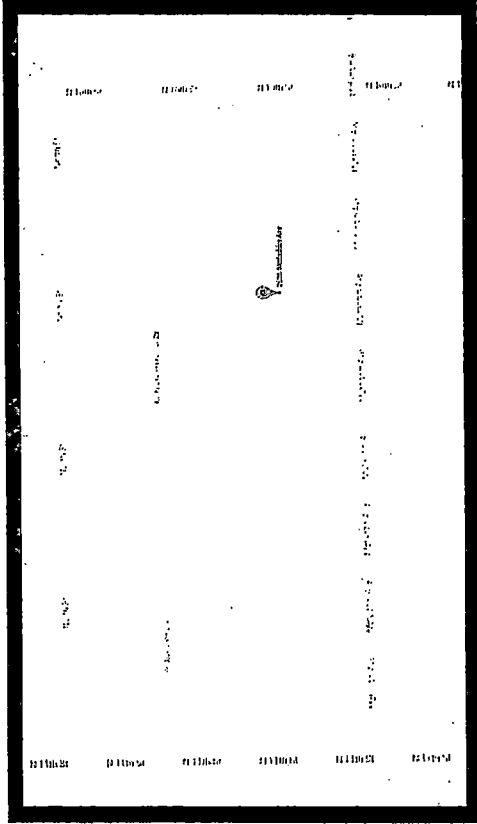
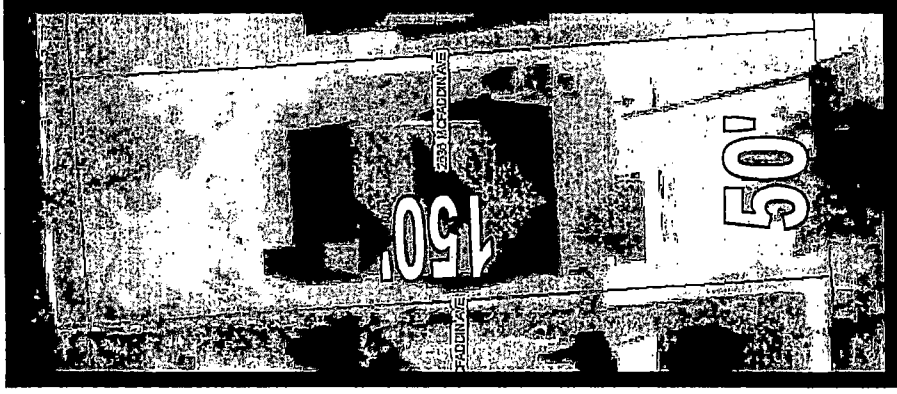
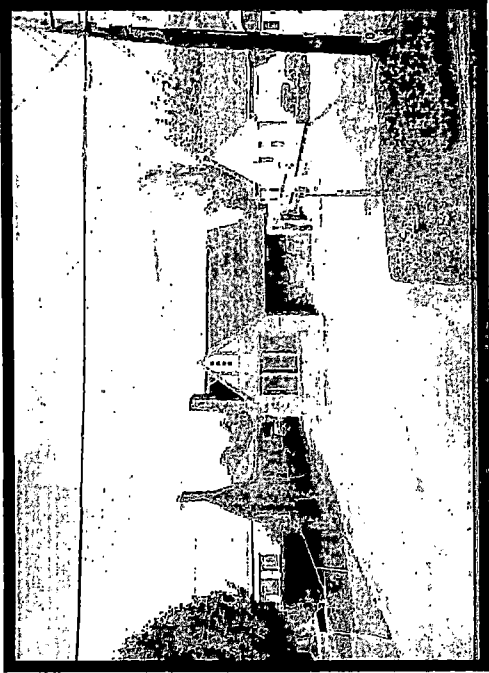
EXHIBIT "A"



1" = 20'

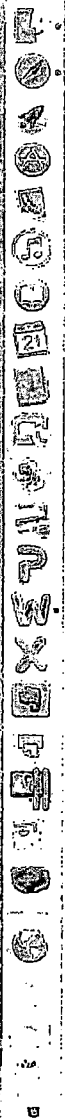
MCFADDIN ST
EXHIBIT "B"

2636 McFaddin Avenue



google.com

Firm Central Jefferson CA...erty Details My Bar Page myTG Google Calendar Popular v District Att...County, Texas



August 25, 2015

Consider a resolution approving the award of a contract to LD Construction, Inc., of Beaumont for asphaltic concrete pavement work



TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider a resolution approving the award of a contract to LD Construction, Inc., of Beaumont, for asphaltic concrete pavement work in the estimated amount of \$1,063,500.

BACKGROUND

Bids were requested for a one (1) year contract for the placement of hot mix asphaltic concrete (HMAC) pavement. HMAC is used for repairs to large street sections in the Street Rehabilitation Program.

The vendor will provide the equipment and manpower to lay the asphaltic concrete according to City specifications with the materials being supplied by the City.

Five (5) vendors were notified, with two (2) bids being submitted. Low valid bid was received from LD Construction, Inc., of Beaumont, the current holder of this contract. The bid submitted by CMM Construction, Inc., was rejected as the contractor failed to provide the five percent (5%) bid bond which was a requirement of the solicitation. The bid price represents an increase of approximately \$207,750 (24%) over the current contract.

FUNDING SOURCE

Capital Program.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

WHEREAS, bids were received for a one (1) year contract for the placement of hot mix asphaltic concrete (HMAC) pavement for repairs to large street sections in the Street Rehabilitation Program; and,

WHEREAS, LD Construction, Inc., of Beaumont, Texas, submitted a bid in the estimated amount of \$1,063,500 in the unit amounts as described and shown in Exhibit "A," attached hereto; and,

WHEREAS, City Council is of the opinion that the bid submitted by LD Construction, Inc., of Beaumont, Texas, should be accepted;

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the bid submitted by LD Construction, Inc., of Beaumont, Texas, for a one (1) year contract for the placement of hot mix asphaltic concrete (HMAC) pavement for repairs to large street sections in the Street Rehabilitation Program in the estimated amount of \$1,063,500 in the unit amounts as described and shown in Exhibit "A," attached hereto, be accepted by the City of Beaumont; and,

BE IT FURTHER RESOLVED THAT the City Manager be and he is hereby authorized to execute a contract with LD Construction, Inc., of Beaumont, Texas, for the purposes described herein.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of
August, 2015.

- Mayor Becky Ames -



**CITY OF BEAUMONT, BEAUMONT, TEXAS
PURCHASING DIVISION BID TABULATION**

Bid Name: Annual Contract for Hot Mix Asphaltic Concrete Pavement Placement6, Planntg and Texturing
Bid Number: BF0715-34
Bid Opening: Thursday, July 30, 2015
Contact Person: Robert (Bob) Hollar, Buyer II
rhollar@ci.beaumont.tx.us
 Phone: 409-880-3758

Vendor City / State Phone or Fax No.		LD Construction		CMC Construction	
		Beaumont		Beaumont	
		(409) 866-7267		(409) 899-2360	
Qty(sq/yd)	Description	Unit Price	Total Price	Unit Price	Total Price
35,000	Placement of 1 1/2" HMAC 0-1200 sq/yd	\$ 2.00	\$ 70,000.00	\$ 2.25	\$ 78,750.00
35,000	Placement of 1 1/2" HMAC 1201-3600sq/yd	\$ 1.80	\$ 63,000.00	\$ 1.85	\$ 64,750.00
140,000	Placement of 1 1/2" HMAC over 3600 sq/yd	\$ 1.80	\$ 252,000.00	\$ 1.85	\$ 259,000.00
5,000	Placement of 1" HMAC 0-1200 sq/yd	\$ 2.50	\$ 12,500.00	\$ 2.55	\$ 12,750.00
5,000	Placement of 2" HMAC 1201-3600sq/yd	\$ 2.00	\$ 10,000.00	\$ 2.05	\$ 10,250.00
10,000	Placement of 2" HMAC over 3600 sq/yd	\$ 2.00	\$ 20,000.00	\$ 2.05	\$ 20,500.00
40,000	Placement Level Up 0-1200 sq/yd	\$ 2.00	\$ 80,000.00	\$ 2.25	\$ 90,000.00
40,000	Placement Level Up 1201-3600sq/yd	\$ 2.00	\$ 80,000.00	\$ 2.15	\$ 86,000.00
150,000	Placement Level Up over 3600 sq/yd	\$ 2.00	\$ 300,000.00	\$ 2.10	\$ 315,000.00
10,000	Street Radius	\$ 3.00	\$ 30,000.00	\$ 3.50	\$ 35,000.00
10,000	Driveways	\$ 5.00	\$ 50,000.00	\$ 5.00	\$ 50,000.00
6 Days	Planing/Texturing HMAC on Felx Base 1-1/2 to 3"	\$ 4,000.00	\$ 24,000.00	NO BID	
18 Days	Planing/Texturing HMAC on Concrete 1-1/2 to 3"	\$ 4,000.00	\$ 72,000.00	NO BID	
				Bid Rejected (See Below)	
TOTAL BID		\$ 1,063,500.00		\$ 1,022,000.00	

Notes: No Response APAC, ALLCO, Bo-Mac
 CMM Construction Bid rejected due to failure to provide required Bid Bond accompanying the Bid.

August 25, 2015

Consider an ordinance granting a new solid waste franchise agreement with Piney Woods Sanitation Inc.

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider an ordinance granting a new solid waste franchise agreement with Piney Woods Sanitation Inc.

BACKGROUND

According to City Ordinance 22.05.101, no person shall engage in the business of collecting, hauling or transporting, in the city, any garbage, waste or refuse, without first having obtained a franchise from the City. Seven (7) entities currently have nonexclusive franchise agreements with the City and are doing business in this area. Piney Woods Sanitation Inc. has requested that the City Council grant the company such franchise agreement. Piney Woods Sanitation serves southeast Texas with its corporate office located at 517 Hwy 69 North in Huntington, Texas.

The requested franchise is generally the same as those previously approved by City Council. It provides for a term of one year from its effective date and a franchise fee of seven percent (7%) of gross revenues received for service. It also requires the entity to indemnify the City of Beaumont and provide insurance which names the City of Beaumont as a named insured.

According to City Charter, franchise ordinances require readings at three (3) separate Council meetings, with the third not less than thirty (30) days from the first reading. The ordinance does not take effect until sixty (60) days after its adoption on the third and final reading. After passage, the ordinance must be published for four (4) consecutive weeks in a newspaper of general circulation in the city. All publication costs are paid by the franchisee. Attached is a copy of the franchise agreement for your review.

This is the first reading.

FUNDING SOURCE

A franchise fee of seven percent (7%) of gross receipts will be paid to the City.

RECOMMENDATION

Approval of resolution.

ORDINANCE NO.

ENTITLED AN ORDINANCE GRANTING A FRANCHISE FOR
SOLID WASTE COLLECTION AND TRANSPORTATION
SERVICES TO PINEY WOODS SANITATION, INC.

WHEREAS, Piney Woods Sanitation, Inc. (the "Company") has requested a franchise to operate a solid waste collection and transportation service within the City of Beaumont, Texas (the "City"); and,

WHEREAS, the City desires to grant such franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE

CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and

Section 1.

Grant of Authority

There is hereby granted by the City the right and privilege to operate and maintain within the City a solid waste collection and transportation service (the "service"). For purposes of this franchise, the term "solid waste collection and transportation service" shall mean the regular business of collection, hauling or transporting any garbage, rubbish, waste or refuse from locations in the City, and the disposal of such material in accordance with law. The franchise granted herein is nonexclusive, and franchises may be granted to other persons for service.

Section 2.

Term of Franchise

The franchise herein granted shall take effect and be in force sixty (60) days after the final passage hereof as required by law and upon the filing by the Company of an acceptance with the City Clerk, and shall continue in force and effect until one (1) year thereafter. The acceptance required hereunder must be in writing and filed with the City Clerk within thirty (30) days after final passage hereof. Upon the expiration of the term hereof, this franchise shall continue on a month-to-month basis until terminated by either party or extended or replaced.

Section 3.

Rates

The Company shall establish rates for service which are uniform as to customer class based upon such criteria as type of waste, container size, frequency of collection, and distance of travel. The Company shall file its initial rates for service with its acceptance as required herein. Such rates shall, unless modified by the City, be effective with the effective date of this franchise. Any modifications in rates by the Company shall first be filed with the City Clerk and City Attorney and shall be effective thirty (30) days after such filing unless modified by City as provided herein. Nothing herein shall prevent the Company from charging uniform rates which are less than the rates filed with the City. The City shall have the right to establish rates charged by Company for services performed hereunder, after notice and hearing. Rates established by the City shall be sufficient to allow the Company an opportunity to earn a reasonable return on its invested capital used in providing such services.

Section 4.

Franchise Fee

The Company shall pay to the City, on or before the fifteenth (15th) day of each month, a sum equal to SEVEN PERCENT (7%) of the gross revenues received for service in the previous month as payment for the use of the City's streets, alleys and rights-of-way. The payments herein provided do not relieve Company from the payment of ad valorem taxes, special assessments, charges, or other fees applicable to the public generally. City shall have the right, at any reasonable time, to audit the books and records of the Company and the Company is hereby required to make such books and records available at the request of City. Upon written acceptance, the Company shall furnish to the City a listing of customers served, including customer name, address, frequency of pick-up, size of container or type of service and charge for same. The following reports shall be filed monthly with the City Manager or his designee along with the street rental payment required herein:

Upon written request and within thirty (30) days of receipt, the Company shall furnish to the City adequate reconciliation of reported revenues which would include: a listing of names and addresses of all customers served, frequency of pick-up, size of container or type of service and charge for same, and date service was initiated and discontinued.

Section 5.

Indemnity, Insurance and Bond

The Company shall at all times during the effective period of this franchise, carry liability insurance as provided herein. The Company covenants and agrees at all times to indemnify and save harmless the City, its officers, agents, employees, and any

member of the public against any and all injuries, damages, claims, causes of action or loss of compensation arising or resulting from Company's operations under this franchise, whether or not such loss was caused by the negligence of the City, its agents, servants or employees. Upon notice given Company by City, Company must defend at its own expense, any action or suit brought against the City because of any work or other acts done by the Company under the terms of this franchise. Counsel chosen by Company to defend City must be satisfactory to City. Company will pay any final judgment which might be obtained against City by reason of any work or acts done hereunder by Company, its agents, servants or employees, and Company will pay all damages occurring to any person or property, public or private, resulting from any fault or neglect on its part or on the part of its agents or employees.

The Company agrees to carry insurance as follows:

- 1) Workers' Compensation
The Company shall furnish the City Clerk a certificate of insurance indicating workers' compensation coverage as required by the State of Texas.
- 2) Automobile Liability Insurance
The Company shall carry, in its own name, a policy in comprehensive form to insure the automobile liability of its operation with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence for bodily injury and, in addition, not less than One Hundred Thousand Dollars (\$100,000.00) property damage. This policy shall include City as an additional named insured and provide for thirty (30) days notice to City prior to cancellation. A certificate of insurance certifying such coverage shall be filed with the City Clerk before the effective date of this franchise, and it shall be maintained in force during the term of the franchise.
- 3) General Liability
The Company shall carry, in its own name, a comprehensive liability insurance policy including contractual coverage for operations other than automobile with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per

occurrence for bodily injury, and One Hundred Thousand Dollars (\$100,00.00) per occurrence for property damage. The policy shall name the City as named insured and provide for thirty (30) days notice to City prior to cancellation. A certificate of insurance certifying such coverage shall be filed with the City Clerk before the effective date of this franchise and maintained in force during the term of the franchise.

Section 6.

Compliance with Laws and Ordinances

The Company shall, at all times during the term of this franchise, be subject to all lawful exercise of police power by the City and to such reasonable regulations as the City shall hereafter by ordinance provide. In addition, the Company will observe all city, county, state, and federal laws regulating the collection and disposal of solid waste.

Section 7.

Service Standard and Equipment

The Company shall maintain and operate its collection system and equipment in good order to render efficient service subject to the terms of this franchise. All vehicles, containers, and equipment used for the collection and transportation of solid waste shall be constructed, operated and maintained to prevent loss of liquid or solid waste material and to minimize health and safety hazards to solid waste management personnel and the public. Such vehicles, containers, and equipment used shall be maintained in a clean, sanitary condition and free from odors at all times. All vehicles and equipment shall comply with federal, state, and local regulations. Collection vehicles and all bulk, commercial, and roll-off type containers shall be painted and numbered and shall have the Company's name and telephone number painted in letters of a contrasting color.

Such containers may not be placed on any street or right-of-way within the City. All collections shall be made directly from the premises of the customer and any emptied containers returned directly to such premises.

Section 8.

Providing Services

The Company shall provide service to any person, firm, corporation, association or entity inside the City of Beaumont who requests such service and is not delinquent in the payment of collection charges due the Company.

Section 9.

Office

The Company shall establish and maintain an office with telephone service and shall keep said office open for business from 9:00 A.M. to 5:00 P.M. each and every day except Saturday, Sunday and holidays.

Section 10.

Interruption of Service

In the event that service shall be interrupted for any reason for more than forty-eight (48) hours, the City shall have the right to make temporary independent arrangements for the purposes of continuing this necessary service to its residents in order to provide or protect the public health and safety. If the interruption in service mentioned herein continues for a period of seventy-two (72) hours, then the City shall have the right to terminate the rights and privileges granted in this franchise.

Section 11.

Termination

In the event that any provision of this franchise is violated by the Company, the City may serve written notice upon the Company of its intention to terminate this franchise. The notice shall contain the reasons for such intention to terminate the franchise. Unless within ten (10) days after mailing such notice by City to the Company, such violation shall cease, or satisfactorily arrangements for correction be made by Company, the City Council may, after a public hearing in which Company is provided an opportunity to present evidence concerning such violation, declare the franchise terminated and serve written notice upon the Company of the termination and the termination of the franchise shall be effective upon the mailing of such notice.

Section 12.

Transfer of Franchise Rights

Franchise rights granted hereunder shall not be transferred to another without the approval of City. A single transfer or a series of transfers of Company's stock which constitute a transfer of a majority interest in Company is subject to the prior approval of City.

Section 13.

Notices

Where written notices are provided for in this ordinance, same shall be sufficient to notify Company when provided by certified mail to:

Piney Woods Sanitation, Inc.
517 Hwy 69
Huntington, TX 75949-8893

August 25, 2015

Consider amending Section 2.02.241 of the Code of Ordinances related to the Animal Health Advisory Committee

BEAUMONT

TEXAS

TO: City Council

FROM: Kyle Hayes, City Manager

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council consider amending Section 2.02.241 of the Code of Ordinances related to the Animal Health Advisory Committee.

BACKGROUND

State law stipulates that the Animal Advisory Committee must be composed of certain classifications of members. The current wording in the Code of Ordinances is outdated and does not reflect the proper department, which is the Police Department, that is responsible for the Animal Services Division. Also, the Chief of Police is recommending that the number of committee members be increased from six to eight, which would include three residents-at-large. The current ordinance would be amended as shown below:

Section 2.02.241 Established

- (a) There is hereby established an animal health advisory committee of the city to act in an advisory capacity to the city council and to the ~~department of health~~ **Police Department** concerning rules and regulations pertaining to the operations of the animal shelter and to make recommendations to the ~~director of health~~ **Chief of Police** concerning animal control by the city.
- (b) Such committee shall consist of ~~six (6)~~ **eight (8)** members composed of the city veterinarian, the director of health, the animal control supervisor, a representative from the city police department, and ~~two (2) individuals from the Humane Society~~ **one (1) representative from an animal welfare organization, and three (3) residents-at-large as recommended by the Chief of Police**, all of whom shall be appointed for two-year terms.
- (c) The advisory committee shall meet ~~as needed~~ **at least three times a year**.

RECOMMENDATION

Approval of the amended ordinance.

ORDINANCE NO.

ENTITLED AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION AND PERSONNEL, ARTICLE 2.02, ANIMAL HEALTH ADVISORY COMMITTEE, SECTION 2.02:241(a) AND (b), OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, TO ALLOW THE ANIMAL HEALTH ADVISORY COMMITTEE TO ACT IN AN ADVISORY CAPACITY TO THE POLICE DEPARTMENT AND TO MAKE RECOMMENDATIONS TO THE CHIEF OF POLICE CONCERNING ANIMAL CONTROL; TO INCREASE THE NUMBER OF ANIMAL HEALTH ADVISORY COMMITTEE MEMBERS; AND TO CHANGE THE FREQUENCY IN WHICH THE ADVISORY COMMITTEE SHALL MEET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.

BE IT ORDAINED BY THE CITY OF BEAUMONT:

Section 1.

THAT Chapter 2, Article 2.02, Sections 2.02.241(a) and (b), of the Code of Ordinances of the City of Beaumont, be and the same are hereby amended to read as follows:

Sec. 2.02.241 Established

- (a) There is hereby established an animal health advisory committee of the city to act in an advisory capacity to the City Council and to the Police Department concerning rules and regulations pertaining to the operations of the animal shelter and to make recommendations to the Chief of Police concerning animal control by the city.
- (b) Such committee shall consist of eight (8) members composed of the city veterinarian, the director of health, the animal control supervisor, a representative from the city police department, one (1) representative from an animal welfare organization, and three (3) residents-at-large as recommended by the Chief of Police, all of whom shall be appointed for two-year terms.
- (c) The advisory committee shall meet at least three times a year.

Section 2.

That if any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end, the various portions and provisions of this ordinance are declared to be severable.

Section 3.

That all ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 25th day of August, 2015.

- Mayor Becky Ames -

WORK SESSION

- * Review and discuss the proposed FY 2016 Budget and the proposed 2016 Capital Program


PUBLIC HEARING

- * Receive comments on the proposed FY 2016 Budget and the proposed 2016 Capital Program



TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, Chief Financial Officer 

MEETING DATE: August 25, 2015

REQUESTED ACTION: Council to hold a joint public hearing on the proposed FY 2016 Budget and the proposed 2016 Capital Program.

BACKGROUND

The proposed FY 2016 Budget was submitted to Council on August 11, 2015. The proposed 2016 Capital Program was originally submitted on May 15, 2015 and again with the proposed budget on August 11, 2015.

The notice of the public hearing on the Budget and Capital Program was published August 18, 2015.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Hold the joint public hearing.